

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 284 OF 2020

Ghanshyam s/o Sukhdeo Pathode

...Versus...

Vijayalaxmi wd/o Shivmohansingh Bais and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. H.P. Lingayat, Advocate for petitioner.

CORAM : AVINASH G. GHAROTE, J.

DATE : 03/08/2022

Heard Mr. Lingayat, learned counsel for the petitioner.

2. The petitioner challenges the order dated 13.12.2019, by which the learned Member, MACT, has allowed the application at Exhibit 95 & 96. Exhibit 95 is an application for permission to file certificate under Section 65-B of the Indian Evidence Act, 1872, in respect of the computer generated documents at Exhibit - 80 & 81 and Exhibit 96 is an application by which the Branch Manager of the Oriental Insurance Company Ltd., is sought to be examined to prove the certificate under Section 65-B of the Indian Evidence Act, 1872. That is the limited nature of reliefs claimed by the said application which has been granted by allowing the same by the impugned order.

3. Though, it is contended by Mr. Lingayat, that such a course of action was not permissible as that amounted to filling up the lacunas, what is material to be noted, is that the proceedings are under the Motor Vehicles Act, was compensation. The certificate under Section 65-B of the Indian Evidence Act, 1872, is only a supporting document to Exhibit - 80 & 81 to prove which the witness is sought to be examined.

4. Considering that the petitioner shall have a right to cross-examine the witness, I do not see any infirmity in the impugned order. The petition is therefore, dismissed. No costs.

[AVINASH G. GHAROTE, J.]

Prity